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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Osamu Aoki

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EXAMINER

WILLIAMS, JEFFERY L

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,668	Applicant(s) AOKI ET AL.	
	Examiner JEFFERY WILLIAMS	Art Unit 2437	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to the communication filed on 12/22/08.
All objections and rejections not set forth below have been withdrawn.
Claims 1 – 14 are cancelled, claims 15 – 28 are pending.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The specification fails to provide proper antecedent basis for the recitations of “first software”, “second software”, “third software”, “fourth software”, “fifth software”, “fifth software that stops an operation executed by said input/output data when said fourth software determines”, “said fourth software determines whether...”, “...to user attributes acquired by said third software” [claim 15, and similarly claim 20], “sixth software”, “seventh software”, “wherein said sixth software determines authorization of the user to use said computer before execution of said third and fourth software”, “when the sixth software determines ...”, “...at least one of the third and fourth software” [claim 16], “sixth software that references”, “and compares input/output data acquired by said first software”, “wherein said fifth software stops...”, “...also when it is determined by said sixth software” [claim 17], “wherein said fifth software executes ... when said first

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software acquires..." [claim 18], and "wherein said fifth software stops ... when said first software acquires..." [claim 19].

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 15 - 20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has not pointed out where the new (or amended) claim is supported, nor does there appear to be a written description of the claim limitations in the application as filed (see above objection to the specification).

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15 - 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1

2 Regarding claims 15 – 20, the recitations of a “first software”, “second software”,
3 “third software” etc. lack any standard meaning to one of ordinary skill in the art. Where
4 applicant acts as his or her own lexicographer the written description must clearly define
5 the claim term so as to put one reasonably skilled in the art on notice of the applicant’s
6 intended definition. As the specification does not clearly redefine these terms, these
7 terms indefinite and the scope of these claims are rendered indeterminate.

8

9 Regarding claim 15, the recitation of “...*software that references, in said*
10 *determining of whether said input/output data is invalid data, said determination rules*
11 *that correspond to attribute information acquired in the acquisition of attribute*
12 *information determines whether said input/output data is invalid*” in nonsensical (see last
13 4 lines). Specifically, the claim is grammatically improper. Thus, it is unclear as to what
14 the clause “determines whether said input/output data is invalid” is modifying. For the
15 purpose of examination, the examiner presumes the applicant to recite “...*software that*
16 *references, in said determining of whether said input/output data is invalid data, said*
17 *determination rules that correspond to attribute information acquired in the acquisition of*
18 *attribute information*”.

19

20 Regarding claim 16, the recitation “...*wherein **said software that determines***
21 ***authorization performs this** before it is determined whether said input/output data is*
22 *invalid data, and when it is determined in the determining authorization that there is no*

1 *authorization to use said computer, said program causes said computer to not execute*
2 *at least one of the following: **acquiring attribute information** and said determination of*
3 *whether said input/output data is invalid data” is unclear. Specifically, “**said software***
4 ***that determines authorization**” lacks antecedent basis within the claim. Furthermore,*
5 *it is unclear as to what “**this**” is referring to within the claim. Finally, the claim appears*
6 *either to be incomplete or inconsistent as the recitation of “**acquiring attribute***
7 ***information**” appears to be a necessary and prior element for the software to*
8 *“determine authorization”. Therefore, it is unclear as to how the software is able to not*
9 *execute “**acquiring attribute information**” when such has apparently already been*
10 *executed. For purpose of examination, the examiner presumes the applicant to recite,*
11 *“wherein software determines authorization before it is determined whether said*
12 *input/output data is invalid data, and when it is determined in the determining*
13 *authorization that there is no authorization to use said computer, said program causes*
14 *said computer to not execute said determination of whether said input/output data is*
15 *invalid data”.*

16
17 Regarding claim 17, the antecedent basis for the recitation “*said operation*” is
18 ambiguous. Specifically, claims 15 and 17 recite “an invalid operation”, “an operation
19 executed by said input/output data” [claim 15], “operation”, and “an operation executed
20 by said input/output data” [claim 17]. For purpose of examination, the examiner
21 presumes the applicant to recite “*operation*”.

1 All other claims depending upon the above rejected claims are rejected by virtue
2 of dependency.

3
4 ***Claim Rejections - 35 USC § 102***

5
6 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that
7 form the basis for the rejections under this section made in this Office action:

8 (e) the invention was described in (1) an application for patent, published under section 122(b), by
9 another filed in the United States before the invention by the applicant for patent or (2) a patent
10 granted on an application for patent by another filed in the United States before the invention by the
11 applicant for patent, except that an international application filed under the treaty defined in section
12 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
13 only if the international application designated the United States and was published under Article 21(2)
14 of such treaty in the English language.
15
16

17 **Claims 15 – 26 and 28 are rejected under 35 U.S.C. 102(e) as being**
18 **anticipated by Rothermel et al. (Rothermel), U.S. Patent 6,678,827 B1.**

19
20
21 Regarding claim 15, as best understood, Rothermel discloses:
22 *first software that acquires input/output data that is input or output over a network*
23 *that is connected to said computer, or over an externally connected bus that connects*
24 *said computer with an external device* (Rothermel, 7:50-53; 2:15-23);
25 *second software that identifies ID information from said input/output data for*
26 *identifying a user* (Rothermel, 7:50-53; 2:15-23; 10:37-46; fig. 5c). Herein, Rothermal
27 discloses that software ["second software"] identifies ID information (e.g. sender
28 information, recipient information) from the input/output data;

1 *third software that acquires at least part of user attribute data corresponding to*
2 *said ID information from a user-information-storage unit that stores attribute information*
3 *for all users having authorization to use said computer (Rothermel, 7:50-53; 2:15-23;*
4 4:49-56; fig. 5c – herein, the system acquires corresponding defined aliases or user

5 data such as their network address, group information ["user attribute data"] in order to

6 implement a enforce a policy);

7 *fourth software that determines whether said input/output data is invalid by*
8 *reference to a determination-rule-storage unit that stores rules for determining whether*
9 *said input/output data is invalid data (Rothermel, 1:56-2:5; 7:50-53; 2:15-23; 11:46-58;*
10 4:49-56; fig. 5c – herein, the system references a policy comprising rules within a

11 "determination-rule-storage" unit for determining valid/invalid data;

12 *and fifth software that stops an operation executed by said input/output data*
13 *when said fourth software determines that said input/output data is invalid data*
14 (Rothermel, 15:48-16:6 - herein, Rothermel discloses that invalid data may be blocked

15 or manipulated thus preventing execution of unsafe data);

16 *wherein said determination-rule-storage unit stores determination rules that*
17 *correspond to user attributes (Rothermal, 10:36-65; fig. 5c); and said fourth software*
18 *determines whether said input/output data is invalid data in accordance with said*
19 *determination rules that correspond to user attributed acquired by said third software*
20 (Rothermel, fig. 1:131; 10:24-11:17; 7:49-53).

21

22 Regarding claim 16, Rothermel discloses:

1 *sixth software that references said user-information-storage unit and determines*
2 *whether the user corresponding to said ID information has authorization to use said*
3 *computer; and seventh software that stops operation by said input/output data when it is*
4 *determined in the determination of authorization that there is no authorization to use*
5 *said computer (Rothermel, 7:39-53; 5:14-17; 10:24-46; fig. 5c);*

6 *wherein said sixth software determines authorization of the user to use said*
7 *computer before execution of said third and fourth software, and when the sixth*
8 *software determines that there is no authorization to use said computer, said program*
9 *causes said computer to not execute at least one of the third and fourth software*
10 *(Rothermel, 15:30-45).*

11
12 Regarding claim 17, Rothermel discloses:

13 *sixth software that references a profile-storage unit that stores log data related to*
14 *said input/output data as profiles for each user (Rothermel, 14:13-22 - herein,*
15 Rothermel discloses that the security software comprises logging means with the ability
16 to reference log data (i.e. fig. 1:165),

17 *and compares input/output data acquired by said first software with a normal*
18 *operation trend of said user to determine whether operation is unusual; and wherein*
19 *said fifth software stops an operation executed by said input/output data also when it is*
20 *determined in said determining by said sixth software that said operation is unusual*
21 *(Rothermel, 1:56-2:5; 7:50-53; 2:15-23; 11:46-58; 4:49-56; 15:48-16:6— herein, the*

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1 security software compares “input/output” data to the user and/or device’s allowable
2 normal operation (i.e. “normal operation trend”) as defined by the system rules).

3
4 Regarding claim 18, Rothermel discloses:

5 *wherein said software executes a process of interrupting a session when said*
6 *first software acquires said input/output data from a network* (Rothermel, 17:10-17 –
7 Rothermel discloses interrupting a communication session).

8
9 Regarding claim 20, it is rejected, at least, for the same reasons as claims 15 –
10 18, and furthermore because Rothermel discloses:

11 *fifth software that notifies a terminal being operated by said user or administrator*
12 *that an operation being executed by said input/output data is an invalid operation when*
13 *said fourth software determines whether said input/output data is invalid that said*
14 *input/output data is invalid data* (Rothermel, 16:49-62).

15
16 Regarding claims 21 – 26 and 28, they comprise essentially similar recitations as
17 claims 15 – 20, and they are rejected, at least, for the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothermel.

Regarding claims 19 and 27, Rothermel discloses stop the execution of data transmission (Rothermel, 2:9-23), and that the security software comprises drivers for executing data transmission (Rothermel, 6:15-19; 5:14-17). However, Rothermel does not appear to explicitly recite stopping the execution of a data transmission driver when it is decided to stop the execution of data transmission. However, the examiner notes that it would have been obvious to one of ordinary skill in the art, in light of logical reason and common sense, to stop the means for executing data transmission (i.e. transmission driver) when it is necessary to stop data transmission.

Furthermore, it is noted that Rothermel enables:

when said input/output data is acquired from an externally connected bus in said acquisition of input/output data (Rothermel, 6:15-19; 5:14-17 – Rothermel discloses blocking the execution of input/output information acquired from a external signal line (“bus”)).

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Response to Arguments

Applicant's arguments filed 12/22/08 have been fully considered but they are not persuasive.

Applicant argues or asserts essentially that:

(i) *There is no disclosure in Rothermel that either the software or the stored policy information associates user attributes with user identities.* (Remarks, pg. 23)

In response, the examiner respectfully notes that the claims do not recite associating user attributes with user identities. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *the software or the stored policy information associates user attributes with user identities*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(ii) *Again, there is no disclosure here of ... using the user attributes with the stored rules to make data validity determinations.* (Remarks, pg. 23)

1
2 In response, the examiner respectfully notes that the prior art clearly discloses
3 utilizing defined aliases stored within policies to make validity determinations. The
4 defined aliases comprise user attribute data such as the a user's IP address
5 (Rothermal, fig. 5c; 10:24-63).

6
7 (iii) *Thus, Rothermel does not disclose that the user's ID is used to acquire an IP*
8 *address from the table of Figure 5C and that acquired IP address is used with a*
9 *corresponding rule to determine if a packet is valid.* (Remarks, pg. 24)

10
11 In response to applicant's argument that the references fail to show certain
12 features of applicant's invention, it is noted that the features upon which applicant relies
13 (i.e., *the user's ID is used to acquire an IP address from the table of Figure 5C and that*
14 *acquired IP address is used with a corresponding rule to determine if a packet is valid*)
15 are not recited in the rejected claim(s). Although the claims are interpreted in light of
16 the specification, limitations from the specification are not read into the claims. See *In*
17 *re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

18
19 (iv) *Moreover, while the Examiner may argue that an IP address is an attribute of a*
20 *network device, an IP address is not an attribute of the user.* (Remarks, pg. 24)

21

1 In response, the examiner respectfully notes that a user's address is a clearly a
2 property of a user (i.e. "attribute" of a user). It is respectfully noted that the applicant's
3 argument (*an IP address is not an attribute of the user*) is merely an assertion and is not
4 supported by evidence or rational.

5
6 ***Conclusion***

7
8 The prior art made of record and not relied upon is considered pertinent to
9 applicant's disclosure:

10
11 ***See Notice of References Cited.***

12
13 Applicant's amendment necessitated the new ground(s) of rejection presented in
14 this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP
15 § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37
16 CFR 1.136(a).

17 A shortened statutory period for reply to this final action is set to expire THREE
18 MONTHS from the mailing date of this action. In the event a first reply is filed within
19 TWO MONTHS of the mailing date of this final action and the advisory action is not
20 mailed until after the end of the THREE-MONTH shortened statutory period, then the
21 shortened statutory period will expire on the date the advisory action is mailed, and any
22 extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery Williams whose telephone number is (571) 272-7965. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Emmanuel L. Moise/
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